

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 7, 1999
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte; present. Council Member Rogers absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Dr. Nabil Seyam, Islam.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of November 23, 1999, were approved 6 to 0. (Rogers absent)

AWARDS AND PRESENTATIONS

SERVICE CITATIONS

Distinguished Service Citations were presented.

PROCLAMATIONS

Mayor Knight presented the Proclamations previously approved.

RECOGNITION OF MAYOR KNIGHT.

Motion -- carried

Pisciotte moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried 6 to 0. (Rogers absent)

Bill Hancock

Sedgwick County Commissioner Hancock read the following proclamation:

PROCLAMATION
of
The City of Wichita-Sedgwick County, Kansas

Whereas, Congress of Cities was created in 1924 when John G. Stutz, Executive Director of the League of Kansas Municipalities wrote a letter to the then 21-state municipal leagues inviting them to a meeting in Lawrence, Kansas, to exchange ideas, methods, and experiences about their work on behalf of the nation's cities; and

Whereas, National League of Cities (NLC) emerged from that meeting, and a growing body of people concerned about the quality of life in our cities and towns and committed to public service has convened every since that first meeting on December 12, 1924; and

Whereas, the NLC prepares for the 21st century and the next 75 years with a membership of more than 1,500 member cities, and another 18,000 communities participate through their state municipal leagues; and

Whereas, the thousands of delegates in attendance at the NLC meeting last week in Los Angeles, in recognition of his leadership and understanding of the cities as centers of opportunity, unanimously elected Wichita Mayor Bob Knight as President of the League for the year 2000; and

Whereas, Mayor Knight, as President, will provide national leadership in establishing the nation's municipal agenda for the next century;

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Now, therefore, be it resolved, that the members of the Wichita City Council and the Sedgwick County Commission, on behalf of the citizens of the Wichita-Sedgwick County Community, congratulate Mayor Knight for achieving this important leadership position among the nation's cities, and for bringing influence, honor, and prestige to the Wichita-Sedgwick County Community.

Mayor Knight

Mayor Knight said, "I've had an opportunity to express my gratitude and appreciation to the Staff and to my special friends on the City Council. I don't often get an opportunity to speak from my heart to the County Commissioners. I can't tell you how surprised and touched I was, what ever night it was - Friday night, to go to a reception and to see my colleagues from the County Commission there and County Manager, Bill Buchanan. It really, I think, goes right to the heart of so much that we are trying to accomplish today. We are far more than unrelated strangers. We are not only colleagues, we are all personal friends and we share in some of the joys that come down the path of life and, also, some of the sorrows. Unfortunately, not every day can be a sunny day - there are clouds once in a while but there are also times when the sun light is very bright. That was a special time for my wife and I, and to have you as a part of it was very special. I will never forget it and I thank you very much. Again, thanks to everybody here."

Motion -- carried
(Item No. 14)

Knight moved that Item 14 be taken up out of order. Motion carried 6 to 0. (Rogers absent)

FIRE SUPPORT

FIRE SUPPORT SERVICES CONSOLIDATED PILOT PROGRAM.

Betsy Gwin

Sedgwick County Commissioner Gwin read the following:

"In June of 1999, City and County elected officials signed a joint resolution entitled "Compact 2000." In this agreement, we agreed to seek to improve the quality of services delivered to the community while developing cooperative agendas that will bring about improved, more cost effective services. In this new era of cooperation and civility, as the compact says, we agree to work together in finding cooperative endeavors. Between two different governments, we feel we have identified such an endeavor.

"Stemming from this agreement, the study of functional consolidation of three City and County fire divisions has evolved as a cooperative effort between three elected officials, Council Member Bill Gale, Council Member Phil Lambke, and I. Our consensus is that this interaction has been consistently cooperative, open minded, and extremely productive but, as I told my colleagues last week, sometimes time consuming too.

"Consolidation of fire services is not a new idea. In the past, proposals for consolidation of City and County operations have been rejected because of the fear that basic services could be negatively affected.

"Instead of combining operations, as has been previously considered, our study suggests that consolidation of fire prevention, safety training, and medical divisions might, instead, be more successful.

"In meetings with Chief Curmode and Chief Garcia, these divisions were found to be appropriate for consolidation because none directly affect basic fire service and all share similar duties and responsibilities between City and County functions.

"City and County fire service consolidation has a promising future, we believe. Fire vehicle maintenance has been a shared responsibility for the past three years and employees share the responsibilities of both City and County fire equipment."

"Our proposal is an 18-month pilot project. The pilot project will seek to answer questions about functional consolidation, including financial impact, employee promotion, salary structure, and contract negotiation, as well as a whole list of others that any of us might want to suggest be answered.

"We do not believe that all details must be worked out prior to the induction of the pilot. Given the talent and capability of each department, details will be resolved in a manner to ensure the best fit of resources for this project. It is believed that the employees involved will be willing and able to determine the advantages and disadvantages of the consolidated system. And, at the conclusion of the pilot project, we will be able to provide enough information to recommend either continuance or that we reject the program."

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Agenda Report No. 99-1224.

As part of Compact 2000 effort, Council Members Gale and Lambke along with County Commissioner Gwin have explored, in general terms, the consolidation and combination of service opportunities between the Fire Department and the County Fire District. The departments have worked closely in the past, using a First Responder agreement to maximize fire protection utilizing resources of both departments.

On April 16, 1996, the City Council approved, as a pilot program, the first functional consolidation between the departments in the area of vehicle maintenance. Vehicle maintenance consolidation has resulted in benefits to both Departments: the Fire District receives access to a better (City-owned) facility, and a larger staff of trained mechanics and fleet management experience. City taxpayers benefit by spreading fixed operating costs over a larger base (reducing City costs).

Based upon the success of this Fire maintenance pilot program, Fire management have proposed to further maximize City and County resources to gain efficiencies and economies of scale, and provide enhanced service capabilities to the public. The additional consolidation opportunities proposed will include the Fire Prevention Division, Safety/Training Division and the Medical Division.

A. Fire Prevention Division - This division includes inspections, public education, investigations, plans examination, and fire protection systems. The City has a sizable prevention and investigation staff, whereas the County Fire District staff is much smaller and expertise is limited. It is anticipated that through consolidation of these functions with the County, an opportunity may exist to allow the County Fire District access to the City's investigative expertise and inspectional services at a lessor cost than if the County Fire District developed that level of staff separately. A consolidated work staff may facilitate coordination and standardization of investigations and inspections within both the City and the County jurisdictions.

B. Safety Training Division - Both the City and the County Fire Departments have Safety Training Divisions with similar work functions that include: recruit training, driver training, safety training, fire ground safety, research and development, drill evolutions, promotional process, hose procurement, physical fitness and health audits, accident investigations, protective equipment, and air packs. These resources and functions seem to be duplicated within both departments, presenting an opportunity for staff and equipment savings.

C. Medical Division - The basic functions in both the County Fire District and City Fire service include: quality control, medical training and recertification for EMT, and MICT levels of employees - each jurisdiction currently has a Medical Officer; the City has a Coordinator of Rescue Services. With a consolidation, it may be possible to combine both staffs and cross-utilize the positions. Consolidation could also encourage joint training.

Initial discussions indicate that a consolidation of these fire supportive services may be feasible and warrant further study. However, before such a consolidation can occur, further staff efforts are required. These implementation steps would include:

1. City and County management staff teams will be created to refine the proposed concept and define the necessary actions and details for implementation.
2. Joint staff teams (individually and collectively) will review budget implications, cost savings, efficiencies and productivity improvements, technology needs, the impact on purchasing, personnel management and labor contracts, policies for operation, and performance criteria to measure performance.
3. Development of the strategies that will be implemented in conjunction with the implementation plan which will also include an analysis of conditions and activities listed (above).
4. A plan and schedule for implementing an 18-month pilot project for consolidating the three support divisions (listed above). Such a plan will include a management evaluation process during regular intervals to assure compliance with the strategies, actions and performance measurements to be set forth by City and County management.

The task teams, both City and County, will identify cost savings (or increases) associated with the proposed consolidation. This information will be presented in the implementation plan. Both management teams will work to achieve a plan that remains within the Year 2000 Adopted Budget.

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State Law (K.S.A. 12-2908) provides a means for the City and County to enter into written agreements on functional consolidations of this nature. A written agreement will be prepared for City Council consideration upon presentation of the implementation plan. The agreement must be approved by both governing bodies prior to its effective date.

- Council Member Lambke Council Member Lambke said Fire Chiefs Larry Garcia and Gary Curmode have identified procedures to implement the program. Since consolidation is of minor divisions, there will be no impact on fire service or fire budgets.
- Council Member Gale Council Member Gale said he was hopeful that, before the 18 months is completed, a report could be brought to the City Council regarding how the consolidation is working.
- Larry Garcia City Fire Chief said the City and County reciprocate and when there are problems the differences are ironed out. Chief Garcia said he was extremely excited about the opportunity and he thinks this will be successful.
- Gary Curmode County Fire Chief said the City and County is blessed for the broad vision of the City Council and County Commission. Chief Curmode guaranteed success of the pilot program and said valid questions can be answered during the program process.
- Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.
- Motion -- Lambke moved that an 18-month pilot project for consolidation of the following fire services, with the corresponding divisions of the County Fire Department: Fire Prevention Divisions, Safety and Training Division, and Medical Division, be approved; the City Manager be instructed to provide Staff support necessary for implementation of the pilot project as recommended by City Fire Chief Garcia and County Fire Chief Curmode, with the understanding that there will be no financial impact on the City fire budget; and the research and information that the Manager wishes to provide shall be returned within 30 days. Motion carried 6 to 0. (Rogers absent)
- carried

PUBLIC AGENDA

Comments by Samuel Kelso.

- Samuel Kelso Samuel Kelso spoke regarding the homeless and said the Park Department now wants \$30 per hour for use of the park for one hour. Mr. Kelso said that, in the past, he has been able to rent park space for \$50 for an entire weekend.
- Mr. Kelso suggested the City purchase the Family Inn building, bring it to code, and use the building to house the homeless.

Comments by Malvin E. Walker.

Mr. Walker was not present.

UNFINISHED BUSINESS

NUDITY ORDINANCES. PUBLIC NUDITY ORDINANCES.

- Motion -- carried Knight moved that this Item be deferred one week. Motion carried 6 to 0. (Rogers absent)

A 99-30

A 99-30 ORDINANCE - NORTH AND SOUTH OF 37TH STREET NORTH, BETWEEN BROADWAY AND HILLSIDE. (Districts I and VI)
(Continued from November 23, 1999)

- Gary Rebenstorf Director of Law explained that the ordinance has been revised to remove the Phillips property which has been leased for agricultural purposes.

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Motion -- carried

Knight moved that the Ordinance be placed on second reading and adopted. Motion carried 6 to 0. (Rogers absent)

ORDINANCE NO. 44-433

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

NEW BUSINESS

IRB - COLEMAN

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS - COLEMAN COMPANY, INC. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-1215.

On October 19, 1999, City Council approved a Letter of Intent for the Coleman Company in an amount not-to-exceed \$45 million and a 100% five-plus-five-year ad valorem tax exemption on bond financed property. The Coleman Company, Inc.'s headquarters is located at 2111 E. 37th Street North in northeast Wichita. The Coleman Company is now requesting City Council issue Industrial Revenue Bonds for qualified 1999 expenditures in the amount of \$5.3 million.

Bond financed improvements at Coleman's North East plant, where lanterns, camp stoves, heaters, picnic coolers and beverage jugs are manufactured and warehoused. The North East facility also houses research and development operations. A secondary location for the project is Coleman's Beacon plant, which is utilized to manufacture propane fuel containers and manufacture of machined parts used mostly at the North East plant. The Beacon plant is located in Maize, Kansas.

The focus of the Coleman enhancement project is a structural factory redesign and retooling of the cooler product area. Significant research and development has been recently expended to design new coolers. As a result of new product offerings, new tooling and manufacturing equipment is required in conjunction with the current improvement project. Coleman plans to add 200 new jobs to their current employment of 1,189 within four years.

The uses of bond proceeds are as follows:

Maize Facility

Land, Building & Improvements	\$95,000
Fixtures & Equipment	955,000
Subtotal	\$1,050,000

Wichita Facility

Land, Building & Improvements	\$510,000
Fixtures & Equipment	3,740,000
Subtotal	\$4,250,000

Total Not-To-Exceed Amount \$5,300,000

The law firm of Hinkle Elkouri, L.L.C. will serve as bond counsel for the project. The bonds will be purchased by the Coleman Company and not reoffered to the public. The Coleman Company, Inc. agrees to comply with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research performed a cost-benefit analysis, resulting in the following benefit-cost ratios: City of Wichita 1.58 to 1; County 1.41 to 1; U.S.D. 259 1.02 to 1; State 5.6 to 1.

The Coleman Company, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council approved a five-plus-five year 100% tax exemption on ad valorem property taxes for bond financed property upon approval of the Letter of Intent on October 19, 1999.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

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Motion --
-- carried

Pisciotta moved that the public hearing be closed; the issuance of Industrial Revenue Bonds be approved; the necessary signatures be authorized; and the Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds, Series XVI, 1999 (The Coleman Company, Inc.), in the aggregate principal amount of not to exceed \$5,300,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of a sixth supplemental trust indenture by and between the City and BNY Trust Company of Missouri, as Trustee, with respect to the bonds; prescribing the form and authorizing execution of a sixth supplemental lease agreement by and between the City and the Coleman Company, Inc.; approving the form of a guaranty agreement; authorizing the execution of a bond purchase agreement by and between the City, and the Coleman Company, Inc., as purchaser of the bonds, introduced and under the rules laid over.

IRB - LEARJET

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS - LEARJET, INC. (District V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-1216.

On September 10, 1996, Council approved a five-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$86 million, issued to Learjet, Inc. Council also approved a ten-year 100% ad valorem property tax exemption on bond financed property. Under authority of the 1996 \$86 Letter of Intent, City Council has authorized issuance of Industrial Revenue Bonds to Learjet, Inc. in the amount of \$12.24 million in 1996; in the amount of \$9.59 million in 1997; and in an amount not-to-exceed \$8 million in 1998. Learjet, Inc., located at One Learjet Way in west Wichita, is now requesting City Council to issue Industrial Revenue Bonds in the amount of \$12 million.

Proceeds from the sale of the 1999 bond issue will be used to cover qualified capital expenditures incurred during 1999. Bond proceeds continue to be used to finance the expansion and upgrading of facilities accommodating increased personnel and space required to develop and produce Learjet's three business jet aircraft; the Learjet 31A, the Learjet 60 and the new Learjet 45. The new facilities and equipment will facilitate the new Learjet 45 model, while continuing support for existing Learjet models.

In conjunction with facilitation of existing aircraft models, bond proceeds are being utilized to adjust production facilities for the Bombardier Continental Business Jet. The Continental will be a super-size business jet, larger than the current Learjet models. Additionally, the Continental will be the largest pure business jet built in Wichita. The Continental is scheduled to have its first flight in 2001.

Since City Council approval of the 1996 IRB Letter of Intent, Learjet has added approximately 1,000 new jobs.

The uses of 1999 bond proceeds are as follows:

Improvements to Land & Buildings	\$7,346,410
Machinery & Equipment	4,634,090
Cost of Issuance	14,500
Contingency	5,000
Total:	\$12,000,000

The law firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. Learjet, Inc. will purchase the bonds, as a result bonds will not be offered to the public. Learjet, Inc. agrees to comply with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research performed a cost-benefit analysis relating to property tax exemption, the resulting benefit-cost ratios are City 2.44 to 1; County 1.60 to 1; U.S.D. 259 1.04 to 1; and State 4.28 to 1.

Learjet, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Approval of a ten-year 100% tax exemption on bond financed property was granted upon approval of the 1996 five-year Letter of Intent.

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Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Martz moved that the public hearing be closed; the issuance of Industrial Revenue Bonds be approved; the necessary signatures be authorized; and the Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount not to exceed \$12,000,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a third supplemental trust indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the bonds; prescribing the form and authorizing the execution of a third supplemental lease agreement by and between Learjet Inc. and the City; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and between the City and Learjet Inc., as purchaser of the bonds, introduced and under the rules laid over.

IRB - CESSNA

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS - CESSNA AIRCRAFT COMPANY. (Districts III and V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-1217.

On June 8, 1999, City Council approved a Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$600 million, issued to Cessna Aircraft Company with a five-year term, and approved a five-plus-five-year 100% ad valorem tax exemption for property financed with bond proceeds. Cessna is now requesting City Council issue Industrial Revenue Bonds in the amount of \$65.8 million for the purpose of financing qualified 1999 expenditures incurred at facilities located at One Cessna Boulevard in southwest Wichita and 5800 East Pawnee in southeast Wichita.

Bond proceeds are being utilized to expand and upgrade facilities, technology and manufacturing equipment to accommodate increased personnel and space required to develop and deliver Cessna's growing product line and sales. Since 1997, Cessna created over 2,500 new jobs in Wichita. Specific improvements at the Cessna One property, located at One Cessna Boulevard and the facility at 5800 E. Pawnee, include renovations and upgrades to parts warehousing, aircraft completion, engineering, assembly, and the Pawnee facility manufacturing expansion. Improvements are primarily, but not exclusively, related to the manufacture of the Citation CJ2 and Citation Sovereign models.

In addition and relating to IRB financing documents, the Trust Indenture provides for standardization of interest payment dates on Outstanding Bonds to June 15 and December 15 and a reduction in outstanding principal amounts on the Series 1997 and Series 1998 Bonds to conform to amounts actually spent on project additions.

The uses of 1999 Bond proceeds are as follows:

Land Improvements	\$ 842,820
Buildings & Building Improvements	17,350,667
Equipment	19,756,905
Tooling	27,841,619
Contingency	7,989
Total	\$65,800,000

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. The taxable Bonds will be privately placed with the company's principal bank. Cessna Aircraft Company agrees to comply with the Standard Conditions contained in the City's IRB Policy. A cost/benefit analysis conducted by the Wichita State University Center for Economic Development and Business Research identifies benefit-cost ratios as City 1.54 to 1; Sedgwick County 1.44 to 1; USD 259 1.02 to 1; State of Kansas 5.96 to 1.

Cessna Aircraft Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council approved a five-plus-five-year 100% ad valorem tax exemption on bond financed property upon approval of the Letter of Intent on June 8, 1999.

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Marilyn Richwine

Marilyn Richwine, Vice President for Corporate Communications, expressed appreciation for the environment Cessna has had in which to conduct business.

Motion --
-- carried

Lambke moved that the public hearing be closed; the issuance of Industrial Revenue Bonds be approved; the necessary signatures be authorized; and the Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds, Series XIV, 1999 (The Cessna Aircraft Company), in the aggregate principal amount of not to exceed \$65,800,000 for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility; authorizing execution of a ninth supplemental trust indentures by and between the City and Intrust Bank, N.A., Wichita, Kansas (successor Trustee to Boatmen's National Bank (formerly Bank IV, National Association), Wichita, Kansas, as trustee with respect to the Series XIV, 1999 Bonds; authorizing the City to lease said project to the Cessna Aircraft Company; authorizing the execution of a ninth supplemental lease by and between the City and The Cessna Aircraft Company; and authorizing the execution of a bond purchase agreement by and between the City and the Cessna Aircraft Company, as purchaser of the bonds, introduced and under the rules laid over.

BOND-LEE AEROSPACE PUBLIC HEARING AND APPROVAL OF REVISED BOND ORDINANCES AND REINSTATEMENT OF LETTER OF INTENT - LEE AEROSPACE, INC. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-1218.

On June 22, 1999, City Council approved a revised Letter of Intent for Industrial Revenue Bonds to Lee Aerospace, Inc., in an amount not-to-exceed \$4.5 million and a five-plus-five-year 100% tax exemption on all bond-financed property. First reading of the Original Bond Ordinances occurred on July 13, 1999. Second reading of the Original Bond Ordinances occurred on July 20, 1999. Subsequent to second reading and prior to closing the bond issue, Lee Aerospace identified cause to make material changes to the Bond Ordinances and principal financing documents. As a result, Lee Aerospace now requests reinstatement of the Letter of Intent for a six-month period, repeal of the Original Bond Ordinances and approval of Bond Ordinances for the Series V 1999 and Series VI 1999 bonds.

Prior to closing on the Series V and VI 1999 bond issues, Lee Aerospace determined to construct facilities before issuance, rather than issue bonds prior to the new construction. As a result of the change in timing of the new construction, labor and materials payment and performance bonds will not be required as a part of the financing arrangement. Council is asked to repeal the Original Bond Ordinances, approve the revised Bond Ordinances, approving the bond financing documents, and reinstate the Letter of Intent for a six-month period. With approval of the reinstatement of the Letter of Intent, repeal of the Original Bond Ordinances and approval of the revised Bond Ordinances, the bond issue can close.

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel for the project. The taxable Bonds will be privately placed with the company's principal bank. Lee Aerospace, Inc. agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Lee Aerospace, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Lee Aerospace, Inc. qualifies for a five-plus-five-year 100% ad valorem tax exemption for bond financed property.

Bond documents needed for the issuance of the bonds have been prepared by Hinkle Elkouri Law Firm, L.L.C., bond counsel for the project.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Council Member Cole left the Bench.

Motion --
-- carried

Pisciotta moved that the public hearing be closed; the letter of intent for a six-month period be reinstated; a five-plus-five-year 100% ad valorem tax exemption on bond-financed property and documents be approved; the Ordinances be placed on first reading; and the necessary signatures be authorized. Motion carried 5 to 0. (Cole, Rogers absent)

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ORDINANCE

An Ordinance repealing Ordinance No. 44-287 and Ordinance No. 44-288 of the City of Wichita, Kansas, introduced and under the rules laid over.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount of \$1,200,000 for the purpose of providing funds to purchase and install certain machinery and equipment in a manufacturing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease agreement by and between Lee Aerospace, Inc. and the City, prescribing the form and authorizing the execution of an easement and agreement by and between Lee Aerospace, Inc., and the City; approving the form of a guaranty agreement by and between Lee Aerospace, Inc., the Trustee and the purchaser of the bonds; authorizing the execution of a bond placement agreement by and between the City, Lee Aerospace, Inc. and Intrust Bank, N.A., as purchaser of the bonds, introduced and under the rules laid over.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount of \$3,000,000 for the purpose of providing funds to acquire certain real property and to construct and equip certain improvements consisting of a new manufacturing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease by and between James E. Lee, an individual, and the City; approving the form of a guaranty agreement by and between Lee Aerospace, Inc., the Trustee and the purchaser of the bonds; approving the form of an individual guaranty agreement by and between James E. Lee and Summer c. Lee, as individual guarantors, and the Trustee and purchaser of the bonds; authorizing the execution of a bond placement agreement by and between the City, James E. Lee, Lee Aerospace, Inc. and Intrust Bank, N.A., as purchaser of the bonds, introduced and under the rules laid over.

DISTRICT BOARDS

ESTABLISHMENT OF DISTRICT ADVISORY BOARDS.

Motion -- carried

Knight moved that this Item be deferred one week. Motion carried 6 to 0. (Rogers absent)

Council Member Cole present.

STREET MAINT.

PROPOSED 2000 CONTRACTED STREET MAINTENANCE PROGRAM.

Steve Lackey

Director of Public Works reviewed the item.

Agenda Report No. 99-1220.

Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of City streets. The Street Maintenance budget is the primary funding source for this program. In addition, monies from the General Fund have been allocated in recent years to supplement this program. Total funding over the past five years has been as follows:

1995	\$ 4,800,000
1996	3,768,000
1997	4,968,000
1998	6,918,000
1999	5,550,000

The 2000 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

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Street Maintenance Budget	\$ 3,388,000
Capital Investment Maintenance Program (General Fund)	762,400
Enhanced 2000 Contract Maintenance (General Fund)	1,200,000
Newly Annexed Areas (General Fund)	<u>290,000</u>

Total Contracted Street Maintenance Program \$ 5, 640,400

The City of Wichita is responsible for maintenance of 1,530 miles of paved streets, and 111 miles of dirt streets. In addition, the City maintains 205 bridges and 26 pedestrian bridges. The Department of Public Works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2000 program will provide repairs to approximately 12.5 miles of arterial streets and 264 blocks of residential streets. The arterial street work will focus on concrete repairs, crack repairs, bridge deck repairs, medial repairs, and asphalt resurfacing. Residential street work will consist of concrete repairs, crack repairs, and asphalt resurfacing. One pedestrian footbridge is also scheduled for reconstruction.

Approximately 66 miles of streets have been annexed into the City of Wichita in the past two years. Many of these streets are in poor condition, and in need of extensive repair. In 1999, over \$1,000,000 has been allocated for repair and maintenance of streets in newly annexed areas, ranging from light preservative surface treatments to full-depth pavement rehabilitation. The 2000 program will continue to address newly annexed streets, with \$290,000 allocated for this purpose.

The proposed total expenditure for Contracted Street Maintenance Programs is \$5,640,400. Funds have been approved in the 2000 Adopted Budget for these programs.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the contracted street maintenance programs be approved and Staff be authorized to make the necessary budget transfers. Motion carried 6 to 0. (Rogers absent)

MUN. COURT JUDGE

CHARTER ORDINANCE IMPLEMENTING MUNICIPAL COURT JUDGE POSITION.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 99-1221.

The Administrative Traffic Court operates under the administration of the Municipal Court, providing an informal and efficient alternative procedure for handling less serious traffic violation cases. The administrative hearing officer who presides over this Court is required to meet the same qualification standards as municipal judges.

Charter Ordinance No. 167 and ordinance 1.04.155 currently have the effect of preventing the administrative hearing officer from serving the municipal court in any capacity other than in the Administrative Traffic Court. This is the case even though any person serving in that position is required to have the same professional qualifications as municipal judges. The proposed ordinance changes would:

- ? Establish the presiding officer of the Administrative Traffic Court as an additional municipal judge
- ? Allow the Municipal Court Administrative Judge to assign the municipal judges to serve among all the various divisions and the Administrative Traffic Court as needed

An additional municipal judge with full authority should provide greater freedom to schedule and cover dockets and promote greater efficiency in the handling of cases. The operation of the Administrative Traffic Court will continue as originally approved.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

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Motion -- carried

Knight moved that the Ordinances be adopted on first reading. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance amending Section 1.04.155 of the Code of the City of Wichita, Kansas, pertaining to administrative traffic court and repealing the original of said section, introduced and under the rules laid over.

CHARTER ORDINANCE

A Charter Ordinance amending Section 1 of Charter Ordinance No. 167 pertaining to judges of the Municipal Court and creating an administrative traffic court and administrative hearing officer, providing substitute and additional provisions on the same subject, introduced and under the rules laid over.

ELECTRIC UTILITY

MUNICIPAL ELECTRIC UTILITY.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 99-1222.

The City has undertaken a comprehensive strategy to address high and unfair rates charged to electrical customers in the Wichita area. On August 10, 1999, the Council adopted a Resolution that directed the City Manager to utilize a task force to conduct a comprehensive examination and review as to the feasibility of creating a Wichita electric utility. The Task Force Report was received by the City Council on November 23, 1999, and the Council directed the City Manager to implement the recommendations and return to the City Council with necessary actions.

The following items from the Task Force recommendations are returned for consideration and action:

1) The legal structure for a municipal electric utility, termed here the Wichita Electric Utility, should be completed as soon as possible.

2) The City should transfer to the new Wichita Electric Utility such city-owned assets as are necessary to serve city-owned electric loads through the production of electricity, the purchase of wholesale electricity, and the distribution of electricity.

Note: 3) and 4) left blank intentionally.

5) A feasibility study should be undertaken to determine the legal, engineering, and economic feasibility of the Wichita Electric Utility providing electric service to:

a) Other governmental customers (such as public school districts);

b) All or selected new residential, commercial, and industrial customers and the additional load of existing customers;

c) Selected existing customers within the city limits and within three miles of All city-owned facilities;

d) the city limits; and,

e) All electrical energy needs of all customers within the city limits of Wichita and within three miles of the city limits.

There are currently over 120 cities in Kansas owning and operating municipal electric utilities. These utilities serve a variety of residential, commercial, and industrial customers and have operations that run the full range from generating their own electricity to purchasing electricity for their customers from other suppliers. They represent many models of governance, operations, and financing. A feasibility study can identify the appropriate options available to the City if it is determined that such electrical service is feasible.

The proposed simple ordinance establishes a municipal electric utility to be owned by the City of Wichita and known as the Wichita Electric Utility. A companion charter ordinance establishes the framework for the operations of the utility. The utility is granted the authority to exercise the full scope of authority established by law for municipal electric utilities for the generation, transmission, local distribution, and sale of electricity. The operations of the utility are placed under the City Manager. Once the municipal electric utility is operational, the current assets for the distribution of electricity that are now owned or operated by the City will be transferred to the utility. The determination of the extent of ownership of additional assets and service to additional customers can be made after the completion of the feasibility study. The charter ordinance removes the City from some statutory requirements and allows the City to establish its own operational structure. Such additional details as are determined to be necessary after the feasibility study can thereafter be established by simple ordinance.

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On November 23, 1999, the City Council approved the funding for the costs of creating a municipal electric utility and undertaking the feasibility study.

Council Member Gale momentarily absent.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotta moved that the Ordinances creating a municipal electric utility be placed on first reading and the request for proposals for a feasibility study be authorized. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance of the City of Wichita, Kansas, establishing a municipally owned electric utility for the City of Wichita, introduced and under the rules laid over.

CHARTER ORDINANCE

A Charter Ordinance of the City of Wichita, Kansas, establishing a municipally owned and operated electric utility for the City of Wichita and exempting the City from the provisions of K.S.A. 13-1220, 13-1221, 13-1222, 13-1223, 13-1224, 13-1225, 13-1226, 13-1227, 13-1228, 13-1229, 13-1230, 13-1231, and 13-1232, introduced and under the rules laid over.

(The Council returned later in the meeting to take up the following Item; action is shown in Agenda order.)

CONDEMNATIONS

PUBLIC HEARING - DANGEROUS AND UNSAFE STRUCTURES:

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 99-1223.

On October 19, 1999 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on six (6) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on December 7, 1999.

On October 4, 1999, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

<u>Property Address</u>	<u>Council District</u>
1. 426 North Gordon	VI
2. 1457 North Topeka	VI
3. 515 South Sycamore	IV
4. 2542 South Laura (Garage)	III
5. 3933 East Ross Parkway	III
6. 4313 West Murdock	VI

Pursuant to State Statute the Resolutions were duly published twice on October 20, 1999, and October 27, 1999. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared on Items 2, 4, 5, and 6.

Motion --

Knight moved that, for Items 2, 4, 5, and 6, the public hearing be closed, the Resolutions declaring the remaining building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these finding. Motion carried 6 to 0. (Rogers absent)

-- carried

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RESOLUTION NO. R-99-460

A Resolution finding that the structure located on North ½ Lot 43-all Lots 45-47, Topeka Avenue, Wells Addition to Wichita, Sedgwick County, Kansas, commonly known as 1457 North Topeka, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-99-462

A Resolution finding that the structure located on Lots 41 and 43, in Block 7, in La Mascotte Addition, a subdivision of Blocks 3 and 7, in Beal's Subdivision of Wichita, Sedgwick County, Kansas, commonly known as 2542 South Laura (Garage), Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-99-463

A Resolution finding that the structure located on Lot 6, Block S, Planeview Subdivision No. 1, Wichita, Sedgwick County, Kansas, commonly known as 3933 East Ross Parkway, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-99-464

A Resolution finding that the structure located on Lot 2, Thunderbird Fourth Addition, Wichita, Sedgwick County, Kansas, commonly known as, 4313 West Murdock, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

1. 426 North Gordon VI

Kurt Schroeder

Superintendent of Central Inspection reviewed the item.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Perry Jones

Perry Jones indicated he would settle the delinquent taxes and repair the property in 60 days.

Motion --

Cole moved that the public hearing be closed, the Resolutions declaring the remaining building(s) dangerous and unsafe structures be adopted, the staff recommended time frame of 60 days to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid in seven days and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 6 to 0. (Rogers absent)

-- carried

RESOLUTION NO. R-99-459

A Resolution finding that the structure located on Lots 26 and 28, Block 17, J.O. Davidson's Second Addition, commonly known as 426 North Gordon, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

3. 515 South Sycamore IV

Kurt Schroeder

Superintendent of Central Inspection reviewed the item.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Warren Jones

Warren Jones, Attorney representing owner Ed Vliet, asked for time to repair the property and pay the taxes current.

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Motion --

Gale moved that the public hearing be closed, the Resolutions declaring the remaining building(s) dangerous and unsafe structures be adopted, the staff recommended time frame of 60 days to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid in seven days and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these finding. Motion carried 6 to 0. (Rogers absent)

-- carried

RESOLUTION NO. R-99-461

A Resolution finding that the structure on Lots 26, 27, and 28, on Sycamore Street, except the east five feet for highway, Kaeiser's Second Addition, commonly known as 515 South Sycamore, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

TEEN CENTER

REQUEST FOR FUNDING ASSISTANCE - TEEN CENTER, INC. (District I)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-1225.

The Teen Center, Inc. has entered into a partnership with Wichita's Promise, drug and alcohol prevention and treatment providers, Wichita Police, USD #259 and other community groups to provide youth a safe environment. The Teen Center, Inc. has acquired a facility (located at 201 West Douglas) for use as a multi-purpose Teen Center to provide youth with a convenient place for activities and events. The Teen Center has raised nearly \$200,000. Donations in labor have been received from Key Construction and Fahnstock to renovate the facility. Additional funding is necessary to complete the project. The Teen Center has approached the City and Sedgwick County to provide the necessary funds to complete renovation of the facility so it may open before year-end. United Way has also been requested to provide operating funding after a State alcohol and drug operating grant expires. Youth enrichment and family matters are one of the City Council's stated priorities in its Consolidated Plan.

The Teen Center, Inc. is requesting \$50,000 each from the City and Sedgwick County to fund the balance of the renovation work. Sedgwick County has indicated its willingness to participate with the City in funding the renovation work. United Way is considering operating funding for the Teen Center. City funds would be used to pay for renovation materials and equipment.

There are no funds remaining in the 1999 budget for youth activities and programs. However, the City has revenue available for the renovation expenses in the 1983 Home Improvement Mortgage Revenue Bond program which has been closed out and all bonds have been retired. These funds may be used for this purpose if approved by the City Council.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the funding be approved. Motion carried 6 to 0. (Rogers absent)

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS.

There were no appointments made.

PROCLAMATIONS

PROCLAMATIONS.

Motion -- carried

Knight moved that the Proclamations be authorized. Motion carried 6 to 0. (Rogers absent)

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CONSENT AGENDA

Knight moved that the Consent Agenda, except Items 30, 35, and 44 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Rogers absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 6, 1999.

Bids were opened December 3, 1999, pursuant to advertisements published on

Wichita railroad removal and demolition - Elizabeth to Broadway. (472-83101/706774/405235) Traffic to be maintained during construction using flagpersons and barricades on arterial streets. Residential streets will experience some temporary closures. City Council approval date: 10/26/1999. (Districts I and IV)

A&K Railroad Materials - \$12,181.00 (Base Bid Add Alternate 1)

Cornejo & Sons - \$94,530.00 (Alternate 3)

Wildcat Construction - \$203,500.00 (Alternate 13,14,15,16,17,18,20,21,24,25,26,27 & 28)

1999 contract maintenance pedestrian bridge replacement at 30th Street South & Glenn and Magill & Lawrence - 30th Street South & Glenn, and Magill & Lawrence. (472-83078/131734/n/a) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 11/24/1998. (Districts II and IV)

Dondlinger & Sons - \$100,000.00 (Engineer's Construction Estimate)*

*Rescind Previous Action on November 15 & 16, 1999 award for the Engineer's Estimate.

Water Line Relocations in connection with Seneca & Maple - intersection of Seneca & Maple. (448-89079/634733/544128) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (District IV) (AND) Sanitary Sewer Replacement in Maple from the alley west of Dodge to the alley east of Dodge - Maple at Dodge. (468-82647/621466/533257) One lane of traffic in each direction to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. District IV)

Wildcat Construction - \$282,352.00

1999 Planeview Sanitary Sewer Rehabilitation Phase A - east of Hillside, north of 31st Street South. (468-83051/622226/649334) One lane of traffic in each direction to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (District III)

Insituform - \$42,121.00

1999 Planeview Sanitary Sewer Reconstruct Phase 1 - east of Hillside, north of 31st Street South. (468-83052/622227/649335) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (District III)

WB Carter Construction - \$226,310.00

Block 1; Meadow Pass Court, serving Lots 23 through 29, Block 4; and sidewalk along the east and south line of Meadow Pass from the south line of Lot 9, Block 1, to the east line of Lot 10, Block 5 to serve Northridge Lakes Addition - south of 29th Street North, east of Tyler. (472-82890/765605 /490716) Does not affect existing traffic. City Council approval date: 12/9/1997. (District V)

Ritchie Paving - \$225,790.30 (Base bid w/add alt 2)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Repairs to Lynette Woodard Recreation Center (103823)

Caro Construction - \$24,895.00 (Total net bid)

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PUBLIC WORKS DEPARTMENT /FLEET & BUILDINGS DIVISION: Furnace and Air Conditioning Replacement at City Arts, 225 W. Lewis. (130591)

Specialized Service Co. Inc. - \$6,994.00 (Total base bid)
Specialized Service Co. Inc. - \$2,950.00 (Total/option #1)
Specialized Service Co. Inc. - \$2,950.00 (Total/option #2)
Specialized Service Co. Inc. - \$2,950.00 (Total/option #3)

PUBLIC WORKS DEPARTMENT/FLEET AND BUILDINGS DIVISION: Heating and Air Conditioning Repairs at Edgemoor and Orchard Park Recreation Centers. (130823)

Specialized Service Co. Inc. - \$3,875.00 (Group I Lump Sum Total)
Gene Oswald Company, Inc. - \$10,500.00 (Group I Lump Sum Total)

WATER AND SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Cross and Gate Valve Installation. (632166)

Professional Mechanical Contractors, Inc. - \$29,400.00 (Total net bid)

WATER AND SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Installation of Valve and Electrical Work. (633713)

Utility Contractors, Inc. - \$34,732.00 (Total net bid)

PARK DEPARTMENT/MAINTENANCE DIVISION: 50 Horsepower Rubber Tired Tractors. (173781)

Wichita Tractor Company - \$15,324.00 (Item per each)
Wichita Tractor Company - \$172.00 (Option 1-Front per each)
Wichita Tractor Company - \$478.00 (Option 1 Rear per each)
No Charge(Option 2 Turf Tires)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Installation of One (1) Overhead Exhaust Extrication System. (130807)

Myers Brothers - \$21,987.13 (Total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: 18 Inch Drill. (132225)

Concrete Accessories - \$12,498.00 (Total net bid)

FIRE DEPARTMENT/VEHICLE & BUILDING MAINTENANCE DIVISION: Slip-in Pumps and Tank Units. (070136)

Hays Fire Equipment - \$37,820.00

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE: DIVISION: Foaming Root Control Herbicide. (184804)

Airrigation Engineering Co., Inc. - \$27,000.00 (Total net bid)

WATER AND SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Simultaneous Graphite Furnace Atomic Absorption Spectrophotometer. (183582)

Perkin Elmer - \$78,608.62 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Repairs to Aley Community Building, 1803 S. Seneca. (130823)

Caro Construction Company, Inc. - \$59,650.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Clarence Wiegard	Doghouse Tavern	2113 North Broadway
Guadalupe Cordova	Chico's Restaurant*	3949 West Douglas
Bui Van Hanh	Saigon Restaurant*	1103 North Broadway

(Consumption off Premises)

Edward Lee	Lee's Convenience Store	2828 East 21st Street North
Jay A. Johnson	Johnson's general Stores, Inc. #39	5400 North Meridian
P.D. (David) Bairrington	Phillips 66	2190 North Rock Road
John G. Harmon	Casey's General Store #1860	5562 South Seneca
Robert Bales	Klepper Marketing Inc.	565 South Market

<u>New Operator</u>	<u>1999</u>	<u>(Consumption off Premises)</u>
Vanna Tran	Fast-Trips Co.	2796 South Seneca

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 6 to 0. (Rogers absent)

PLANS AND SPECS.

PLANS AND SPECIFICATIONS.

Water distribution system to serve Maple Hill, Second, Third, Fourth, and Fifth Additions - south of Maple, west of 135th Street West. (448-89376/734930/470600) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: June 8, 1999. (District V)

Motion -- Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., December 17, 1999. Motion carried 6 to 0. (Rogers absent)
--carried

SUBDIVISION PLANS AND SPECIFICATIONS:

Lateral 328, Southwest Interceptor Sewer to serve Wilderness at the Park Addition - south of Pawnee, east of Maize. (468-82353/743807/480495) Does not affect existing traffic. City Council approval date 6/8/99 (District V)

Motion -- Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., December 17, 1999. Motion carried 6 to 0. (Rogers absent)
--carried

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

a. 1999 park bikeway system repairs - at various locations. (472-82968/785857/399117) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/25/1998. (Districts V and VI) - \$50,000.00

b. 1999 enhanced maintenance concrete repairs Phase R - at various locations. (/706648-R/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 10/13/1998. (Districts I, II, and III) - \$348,000.00

c. 1999-2000 CDBG Public Facilities & Improvements Phase B Asphalt. - at various locations. (99-602302-B/602302-B/800901) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 3/16/1999. (Districts I and III) - \$169,670.00

Motion -- carried Knight moved that the Preliminary Estimates be approved and filed. Motion carried 6 to 0. (Rogers absent)

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DEEDS/EASEMENTS

DEEDS AND EASEMENTS.

Utility easement from Riverside Health System, Inc., a Kansas Corporation, and the City of Wichita, Kansas, a Municipal Corporation, for a tract of land in Lot 1, Block 2, Riverside Health System Third Addition.- (Private Project - OCA 607681) No cost to City.

Motion -- carried

Knight moved that the documents be received and filed. Motion carried 7 to 0

STATEMENTS OF COST STATEMENTS OF COST:

a. Improving Cooper, Stafford Courts, and Beech in Pebblebrook Addition - north of Pawnee, west of Webb Road. Total Cost- \$242,590.00 (plus idle fund interest - \$6,946.00, plus temporary note interest - \$5,175.00). Financing issued at this time - \$254,711.00. (765582/472-82304/490-693)

b. Improving Lincoln from the east line of Greenwich Road to the west line of Woodland Lakes Estates, and Unplatted Tracts 1, 2, and 3, now Cedar View Addition - south of Kellogg, east of Greenwich Road. Total Cost - \$684,626.00 (plus idle fund interest - \$25,898.71, plus temporary note interest - \$28,417.29). Financing issued at this time - \$738,942.00. (763748/472-82696/490-477)

c. Improving Wilson Estates Parkway and sidewalk to serve Wilson Farm Addition - South of 21st Street North, east of Rock Road. Total Cost - \$290,419.00 (plus idle fund interest - \$12,021.24, plus temporary note interest - \$20,516.76). Financing issued at this time - \$322,957.00. (764597/472-82846/490-562)

d. Improving 27th Street North from the east line of Amidon to the west line of Coolidge - south of 29th Street North, east of Meridian. Total Cost - \$85,168.00 (plus idle fund interest - \$2,790.00, plus temporary note interest - \$1,875.00). Financing issued at this time - \$89,833.00. (764670/472-82888/490-569)

e. Improving Dora, Covington, Carr Courts, Covington Courts and sidewalk, Lark 6th Addition - south of Kellogg, east of 119th Street West. Total Cost - \$343,820.00 (plus idle fund interest - \$368.94, plus temporary note interest - \$13,357.06). Financing issued at this time - \$357,546.00. (765546/472-82895/490-657)

f. Improving 51st Street South, Custer, Mt. Carmel and sidewalk, Stonebriar Addition - west of Meridian, south of 47th Street South. Total Cost - \$184,069.00 (plus idle fund interest - \$8,843.00, plus temporary note interest - \$4,600.00). Financing issued at this time - \$197,512.00. (765131/472-82898/490-615)

g. Improving Waco from 32nd to 33rd Streets North, Gibbon Gardens Addition - south of 33rd Street North, west of Arkansas. Total Cost - \$99,882.00 (plus idle fund interest - \$2,660.64, plus temporary note interest - \$3,036.36). Financing issued at this time - \$105,579.00. (764753/472-82899/490-577)

h. Improving Hendryx, McCormick, Hendryx Courts, etc., Reece Farms Estates - south of Maple, west of 151st Street West. Total Cost - \$398,406.00 (plus idle fund interest - \$8,429.10, plus temporary note interest - \$15,428.90). Financing issued at this time - \$422,264.00. (764936/472-82929/490-595)

i. Improving Stoney Point, Westgate, Westgate Circle, Haskell and sidewalk, Prairie Woods Second Addition - north of Pawnee, west of Maize Road. Total Cost - \$224,323.49 (plus idle fund interest - \$239.51, plus temporary note interest - \$5,400.00). Financing issued at this time - \$229,963.00. (765548/472-82934/490-659)

j. Improving Smith from the north line of 12th Street North to the south line of 13th Street North, R. A. Morris Tracts Addition - south of 13th Street North, east of Hoover. Total Cost - \$79,718.00 (plus idle fund interest - \$3,229.00, plus temporary note interest - \$1,925.00). Financing issued at this time - \$84,872.00. (765248/472-82944/490-626)

k. Improving Charles, Lockwood, Vine, Campus, Glenn, and sidewalk, Simmons Park Addition - north of 55th Street South, east of Meridian. Total Cost - \$505,914.00 (plus idle fund interest - \$659.00, plus temporary note interest - \$12,075.00). Financing issued at this time - \$518,648.00. (765503/472-82954/490-652)

l. Improving Sidewalk on the east side of Pattie, north of Clark. Total Cost - \$700.00 (plus idle fund interest - \$26.00, plus temporary note interest - \$0). Financing issued at this time - \$726.00. (765230/472-82985/490-625)

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- m. Improving Sidewalk on the west side of Vine, south of First Street. Total Cost - \$790.00 (plus idle fund interest - \$31.00, plus temporary note interest - \$0). Financing issued at this time - \$821.00. (765198/472-82987/490-621)
- n. Improving 26th Street North from the east line of Vassar to the west line of Wellesley Post and Christy's College Crest Addition - north of 25th Street North, east of Hillside. Total Cost - \$47,497.00 (plus idle fund interest - \$726.80, plus temporary note interest - \$1,900.20). Financing issued at this time - \$50,124.00. (765255/472-82997/490-627)
- o. Improving Sidewalk adjacent to odd Lots 29-31, Broadway to serve Mungers Original Town Addition - north of Murdock, west of Broadway. Total Cost - \$9,090.00 (plus idle fund interest - \$346.00, plus temporary note interest - \$0). Financing issued at this time - \$9,436.00. (765271/472-82998/490-629)
- p. Improving Parkdale, Central Park, Stoney Point, Ryan, Stoney Point Court, and sidewalk, Evergreen Addition - north of 21st Street North, west of Maize Road. Total Cost - \$463,340.00 (plus idle fund interest - \$10,471.86, plus temporary note interest - \$19,291.14). Financing issued at this time - \$493,103.00. (765339/472-83000/490-635)
- q. Improving Sidewalk, northeast corner of 12th and Coolidge - south of 13th Street North, west of Seneca. Total Cost - \$2,798.35 (plus idle fund interest - \$106.65, plus temporary note interest - \$0). Financing issued at this time - \$2,905.00 (765321/472-83003/490-634)
- r. Improving Tipperary, Bedford, Shannon Way, Ritchfield, and sidewalk, Balthrop Addition - north of Central, east of Greenwich Road. Total Cost- \$245,491.00 (plus idle fund interest - \$3,064.24, plus temporary note interest - \$9,164.76). Financing issued at this time - \$257,720.00. (765487/472-83030 /490-650)
- s. Improving Crestwood, Rocky Glen, Crestwood Court, and sidewalk, Rocky Creek and Rocky Creek Second Additions - north of 13th Street North, east of 127th Street East. Total Cost - \$181,920.00 (plus idle fund interest - \$198.92, plus temporary note interest - \$6,959.08). Financing issued at this time- \$189,078.00. (765495/472-83033/490-651)
- t. Improving Sidewalk to serve Interfaith Ministries - north of Murdock, west of Broadway. Total Cost - \$9,506.00 (plus idle fund interest - \$0, plus temporary note interest - \$0). Financing issued at this time - \$9,506.00. (765511/472-83036/490-653)
- u. Improving Left Turn Lane on Washington Street, Perry's Addition - at Washington, south of Lincoln. Total Cost - \$32,821.00 (plus idle fund interest - \$82.00, plus temporary note interest - \$750.00). Financing issued at this time - \$33,653.00. (765550.472-83037/490-661)
- v. Improving Glen Creek and Glen Creek Court, Rocky Creek Third Addition - north of 13th Street North, east of 127th Street East. Total Cost - \$236,171.00 (plus idle fund interest - \$379.00, plus temporary note interest - \$5,575.00). Financing issued at this time - \$242,125.00. (765553/472-83056/490-664)
- w. Improving Hayden, Sandtrap, Sandtrap Court and Hayden Court, Auburn Hills 8th Addition - south of Maple, east of 135th Street West. Total Cost - \$306,906.00 (plus idle fund interest - \$400.00, plus temporary note interest - \$7,325.00). Financing issued at this time - \$314,631.00. (765563/472-83063 /490-674)
- x. Improving Links Street and Links Court, Auburn Hills Ninth Addition - south of Maple, east of 135th Street West. Total Cost - 4131,058.00 (plus idle fund interest - \$353.06, plus temporary note interest - \$4,616.94). Financing issued at this time - \$136,028.00. (765564/472-83064/490-675)
- y. Improving Illinois Circle from the north line of 31st Street South, north to and including the cul-de-sac, Janzen Second Addition - north of 31st Street South, east of West Street. Total Cost - \$36,187.00 (plus idle fund interest - \$917.00, plus temporary note interest - \$800.00). Financing issued at this time - \$37,904.00. (765585/472-83106/490-696)
- z. Improving Harborlight Street and Harborlight Courts, Harbor Isle Second Addition - east of Meridian, south of 53rd Street North. Total Cost - \$450,446.00 (plus idle fund interest - \$10,625.58, plus temporary note interest - \$12,494.42). (765040/472-89251/490-606)

PARTIAL STATEMENT OF COST.

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- a. Amended (first partial) estimate of cost for improving West Bank Amphitheater - \$65,665; less financing previously issued - \$0. Financing to be issued at this time - \$65,665. (792292)

Motion -- carried

Knight moved that the Statements of Cost be approved and filed. Motion carried 6 to 0. (Rogers absent)

PAVING PETITION

PETITION TO PAVE MEADOW PASS AND PEPPER RIDGE STREETS IN NORTHRIDGE LAKES ADDITION – EAST OF TYLER, SOUTH OF 29TH STREET NORTH. (District V)

Agenda Report No. 99-1226.

On December 9, 1997, the City Council approved a Petition to pave Meadow Pass and Pepper Ridge Streets in Northridge Lakes Addition. Based on recent bid prices, it is doubtful there is sufficient funding in the original Petition to award a construction Contract.

A new Petition with an increased budget has been submitted. The signatures on the new Petition represent three owners of 100% of the improvement district.

The original Petition totaled \$244,800. The new Petition totals \$350,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Rogers absent)

RESOLUTION NO. R-99-465

Resolution of findings of advisability and Resolution authorizing paving Meadow Pass, from the south line of Lot 9, Block 1, to the east line of Lot 10, Block 5; Pepper Ridge, from the north line of meadow pass to the north line of Lot 1, Block 5; Meadow Pass Court, serving Lots 9 through 15, Block 1; Meadow Pass Court, serving Lots 23 through 29, Block 4; a sidewalk along the east and south line of Meadow Pass from the south line of lot 9, block 1, to the east line of Lot 10, Block 5, all in Northridge Lakes Addition (east of Tyler Road, south of 29th Street North) (Project Number 472-82890), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners, 10/11/99
CPO Northeast Council 1, 11-22-99
CPO Northwest Council 5, 11-17-99
CPO North Central Council 6, 11-17-99
Wichita Historic Preservation Board, 9-13-99
Wichita Historic Preservation Board, 10-11-99
Wichita-Sedgwick County Board of Health, 11-4-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Rogers absent)

STREET CLOSURES

STREET CLOSURES: MOSLEY AND WASHINGTON STREETS AT 11TH STREET NORTH. (Districts I and VI)

Agenda Report No. 99-1227.

Wildcat Construction Co., Inc. is installing a 48" diameter water line (part of the Northeast Transmission Facility – Phase 1B) in 11th Street North. The installation of this line is progressing east in 11th Street North and will soon reach Mosley and Washington Streets. Because of the size and depth of this line, the Contractor is requesting the following Closures:

Mosley at 11th Street – One day total Closure on approximately December 9, 1999 to accomplish the pipe installation and placing of temporary surfacing followed by an approximate 2 week partial Closure to install the permanent pavement.

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Washington at 11th Street – 10 day total Closure beginning approximately December 14, 1999 to accomplish the pipe installation under the railroad track and the placement of permanent pavement.

The Contractor is responsible for the construction barricades, detour signing if required, and notification of affected businesses and residents. During the Closure, Mosley traffic will be detoured as follows:

Southbound Mosley: 13th Street– I-135 – 9th Street/Murdock
Northbound Mosley: Murdock/9th Street – I-135 – 13th St.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 6 to 0. (Rogers absent)

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED – OCTOBER, 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Louise Howell	\$300.00
Sherron Thomas	\$175.00
Clarence J. Cramp	\$250.00
Bullseye	\$568.35
Eric Carpenter	\$750.00
Mike & Traci Bell	\$291.12
Chris & Mary O'Brien	\$253.98
Mirna Luyanda	\$238.27
Cathy Lemley	\$46.02
Darlene Elam	\$325.00
Darrell D. Fletcher	\$6,000.00*

*Settled for a lesser amount than originally claimed.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 6 to 0. (Rogers absent)

RESPREAD AGMT.

AGREEMENT TO RESPREAD ASSESSMENTS: HIGHLAND SPRINGS SECOND ADDITION – SOUTH OF CENTRAL, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 99-1228.

The developer, Kelsey Development, Inc., platted Highland Springs 2nd Addition and has submitted an Agreement to respread special assessments within the addition.

The land was originally included in an improvement district for a lateral sewer project. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

The cost to the City is approximately two to three hours of staff time to reapportion the specials previously spread.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

EASEMENT ENCROACH. PERMIT BUILDING ENCROACHMENTS AGREEMENT– QUALITY CHEVROLET BUILDING. (District I)

Agenda Report No. 99-1229.

Quality Chevrolet properties, northwest corner of Douglas and Hydraulic are under contract to be sold to allow Big Dog Motorcycles to relocate to that site. It has been discovered that there are several minor encroachments of the buildings and signs on the site into the adjacent right-of-way. Most extend only inches into the adjacent sidewalk.

In order for the purchaser to obtain title insurance and financing for the relocation, the encroachments must be addressed. The agreement recognizes the several encroachments and permits the purchaser to retain the buildings

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and signs without the need to modify them to remove the encroachments. For so long as the buildings and signs remain standing, the City agrees that it will take no action to require removal of the encroachments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR HYDRAULIC FROM MACARTHUR TO THE CITY LIMITS. (Districts III and IV)

Agenda Report No. 99-1230.

On May 11, 1999, the City Council authorized the Staff Screening and Selection Committee to begin the process to obtain preliminary engineering plans to improve Hydraulic south of MacArthur, and conduct a drainage study of the surrounding neighborhoods.

On September 3, 1999, the Staff Screening and Selection Committee selected Baughman Company, P.A. to design street and drainage improvements for Hydraulic from MacArthur to the City Limits. An Agreement for the design services has been prepared.

Payment will be made on a cost plus percentage of cost basis and not to exceed \$428,000. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR PLAZA CENTRAL OFFICE PARK – SOUTH OF CENTRAL, EAST OF GREENWICH. (District II)

Agenda Report No. 99-1231.

The City Council approved the Plaza Central Office Park plat on March 16, 1999.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in the Plaza Central Office Park. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$24,500, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICES FOR WATER LINE – IN 21ST STREET NORTH AND 143RD STREET EAST. (District II)

Agenda Report No. 99-1232.

On April 8, 1998, the City Council entered into an Agreement with Poe & Associates of Kansas, Inc. for the design of a water line in 21st Street North and in 143rd Street East. The fee was \$18,795.

The proposed Supplemental Agreement between the City and Poe provides for engineering services to revise the existing ground profile over the water line, and provide revised mylar originals.

Payment to Poe for this Supplemental Agreement will be made on a lump sum basis and not to exceed \$1,200. The funding source is Water Utility Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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RAILROAD CROSSING RAILROAD CROSSING AGREEMENT: UNION PACIFIC RAILROAD – AT BROADWAY, NORTH OF MACARTHUR. (District III)

Agenda Report No. 99-1233.

On January 26, 1999, the City Council approved a project to replace a water line along Broadway, north of MacArthur. A portion of the line will be located in Union Pacific Railroad Company right-of-way.

An Agreement has been prepared which allows the City to construct and maintain the water line within railroad right-of-way.

There is a \$2,555 administrative fee. Funding source is the Water Utility.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

CONSTR. AGMT. CONSTRUCTION ENGINEERING AGREEMENT FOR CENTRAL - FROM I-235 TO WEST STREET (Districts IV and VI)

Agenda Report No. 99-1234.

On November 5, 1996, the City Council approved a project to reconstruct Central, from I-235 to West Street. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On March 23, 1999, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

Central will be widened to provide a five-lane roadway. Construction is expected to begin in early 2000.

The estimated project cost is \$2,665,000. KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$287,701.88.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

EMERGENCY SHELTER SALVATION ARMY CONTRACT.

Agenda Report No. 99-1235.

The 1999 Consolidated Plan as approved by the City Council included allocations for the Emergency Shelter Grant program. The allocations included funds for several homeless service agencies for operating costs of emergency shelters; essential services aimed at assisting homeless persons return to permanent living situations, and funds to prevent families from becoming homeless.

The contract before the Council is with Salvation Army for Emergency Shelter Grant funds to provide assistance in the amount of \$13,728 to partially fund its emergency shelter at 350 N. Market. These funds will be used for the cost of operating the shelter (\$5,766) and to partially fund (\$7,962) a case manager to assist the shelter residents end their homelessness. The contract is consistent with the Consolidated Plan as approved by the Council and covers the period from July 1, 1999 through June 30, 2000.

The contract is for \$13,728. The funds are provided under the Stewart B. McKinney Homeless Assistance Act through the U.S. Department of Housing and Urban Development. The required match will be provided by Salvation Army.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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NORTHEAST COMPLEX NORTHEAST SOCCER/SOFTBALL/BASEBALL COMPLEX. (District II)

Agenda Report No. 99-1236.

On November 5, 1996, the City Council approved an Agreement with Regency Lakes II, LLC, in conjunction with Wichita Strykers Charitable Trust, to acquire, build and maintain a 12-field soccer complex in the northeastern part of the City. Under the Agreement, the City would accept a land donation and work in cooperation with the Stryker Field Charitable Trust to create, develop, maintain and operate a public soccer complex for the benefit of children and adults of Wichita, Kansas. The City of Wichita accepted the donation of land and improvements on December 22, 1998. On August 24, 1999, the City Council approved the project, adopted the Resolution, and authorized the Staff Screening and Selection Committee to select a design architect/engineer.

On July 8, 1997, the City Council approved the Northeast Softball/Baseball Complex project and authorized the purchase of the necessary land.

Request for Proposals were mailed to thirty-two local and state architectural firms. On October 7, 1999, the Staff Screening and Selection Committee interviewed Law/Kingdon, Inc., PBA Architects, and Randal Steiner Architect. The committee selected PBA Architects as the design consultant for this project. The design Agreement provides for a percentage of construction fee of six and one half percent plus reimbursable expenses.

Under separate Contract Mid-Kansas Engineering Consultants, Inc. (MKEC) will provide the City with master planning design services for the Northeast Softball/Baseball Complex. The Agreement provides for a lump sum payment of \$9,999.00, including reimbursables.

The estimated project cost is \$1,200,000 through 2001. The project is authorized in the 2000-2009 Capital Improvement Program. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

KELLOGG CONTRACT AMENDMENT TO CONTRACT FOR CONSULTATION SERVICES FOR ACQUISITION AND RELOCATION FOR US-54 (KELLOGG) RECONSTRUCTION PROJECT. (Districts II and V)

Agenda Report No. 99-1237.

The City has a contract with Land Acquisitions, Inc. (LAI) to provide acquisition and relocation assistance on Tyler Road/Maize Road Interchange and the Woodlawn Avenue Interchange projects on Kellogg Avenue. The permitting and design of the projects is currently underway. The contract provided for a fixed cost per activity with a maximum contract amount of \$225,000. The unit prices were fixed through December 31, 1999.

Due to the delays in permitting the Kellogg projects, acquisition and relocation activities will not be initiated prior to December 31, 1999. LAI has agreed to maintain the same unit costs through December 31, 2001. In exchange, the City will pay LAI a retainer of \$37,500. Once acquisition and relocation activities are initiated, per unit charges will be reduced by fifty percent until the City recaptures the retainer amount.

The total dollar amount of the contract is unchanged.

Motion --
-- carried

Knight moved that the amendment to the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

(Item No. 30) TEAMSTER AGMT.

TEAMSTER MEMORANDUM OF AGREEMENT FOR 2000-2002.

Motion -- carried

Knight moved that this Item be deferred one week. Motion carried 7 to 0.

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SIDEWALK CONTRACT KANSAS GAS SERVICE SIDEWALK REPLACEMENT CONTRACT. (District IV)

Agenda Report No. 99-1239.

The 2000 Capital Improvement Program includes a project to improve Seneca between 31st St. S. and Pawnee. The Kansas Gas Service Company (KS Gas) also has plans to replace a gas line along Seneca between Pawnee and MacArthur with a new 24 inch trunk line. Because this will be a major project for KS Gas, efforts have been made to coordinate its relocation plans with the City's South Seneca project.

KS Gas will construct the gas line along the east side of Seneca before the City's project begins, and will make temporary repairs to sidewalk as necessary. New sidewalk will be installed with the South Seneca project after the gas main has been relocated. KS Gas has agreed to reimburse the City for any sidewalk replacement between 30th St. S. and Crawford that was not expected to be replaced as part of the original South Seneca project.

Approximately 1,842 lineal feet of sidewalk along the east side of Seneca between Crawford and 30th St. S. was not planned for removal on the South Seneca project. KS Gas will reimburse the City for any of this sidewalk that is disturbed by the gas line relocation, at an estimated cost not to exceed \$40,500. A Contract has been drafted between the City and KS Gas, and an authorizing Ordinance has been prepared to increase the project budget. After construction, KS Gas will be invoiced for the actual amount of sidewalk removed during the main replacement.

Costs for sidewalk replacement will be reimbursed by KS Gas.

Motion --
-- carried

Knight moved that the Contract be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance declaring Seneca, from 31st Street South to Pawnee (472-83084) to be a main trafficways within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements on said main trafficway; and setting forth the nature of said improvements, the estimated costs there-of and the manner of payment of the same. introduced and under the rules laid over.

BROOKS LANDFILL CHANGE ORDER FOR BROOKS LANDFILL CAP UPGRADE. (District VI)

Agenda Report No. 99-1240.

On September 21, 1999, the City Council approved a Contract with Bob Bergkamp Construction to upgrade the cap on the closed Cell C at Brooks Landfill. The project is currently under construction and will be completed in the spring of 2000.

Control of erosion on Cell C is required to meet NPDES requirements. To minimize erosion over the terraces, additional topsoil is needed to improve the channelization of the runoff. Additional pipe is also needed to facilitate access to the top of Cell D.

A Change Order has been prepared that authorizes the additional work. Funding is available within the Landfill budget.

The Brooks Landfill Cell and Cap Upgrade Contract is funded from the Landfill Budget. \$1,026,000 was budgeted for the project and the original Contract amount was \$1,014,948.40 . The cost of the Change Order is \$11,051.40. Budgeted funds to cover the cost of the Change Order are available in the Landfill budget.

The Change Order amount is within the 25 % of the Contract cost limit set by City Council policy.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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BUDGET TRANSFER

BUDGET TRANSFER - ART MUSEUM DUCT HEATER REPLACEMENT.

Agenda Report No. 99-1241.

The Art Museum's sole source of heat is 32 electric duct-heaters. These units are 21-years old. Each heater is controlled internally with electronic parts that are now obsolete. The controls and other parts of the heaters are failing and are no longer readily available.

The 1999 revised budget includes \$100,000 for the replacement of the duct heaters. However, the City is currently studying contracting with specialists who would provide energy audits on all City facilities and recommend improvements designated to reduce energy consumption and costs. Replacement of the heaters needs to be evaluated along with energy improvements to other City facilities.

In order to preserve the budgetary authority to fund the improvements, it is recommended that the \$100,000 allocated in the 1999 revised budget be transferred into a project account.

Budget transfers over \$10,000 require Council approval.

Motion – carried

Knight moved that the budget transfer be approved. Motion carried 6 to 0. (Rogers absent)

BUDGET TRANSFER

BUDGET TRANSFER - WATER DISTRIBUTION DIVISION.

Agenda Report No. 99-1242.

Budget reallocations in the Water & Sewer Department, Water Distribution Division, are necessary to meet paving cut expenditures for 1999. The cost of pavement repairs associated with main breaks is the primary factor causing the budget shortfall. The pavement cut fee is paid to Public Works and includes the direct cost of repairing a street, as well as a surcharge for anticipated future maintenance and replacement cost on streets less than five years old.

The amount spent for pavement repairs increases each year. The cost per repair depends on the size of the cut, which is related to the type and condition of the street and the type of main break. The average cost per cut was \$953 in 1995, \$845 in 1996, \$2,124 in 1998, and \$1,288 in 1999. Pavement cut permits normally comprise over 20% of the Water Distribution Division's operations and maintenance budget. This year they will comprise about 29% of the division's operations and maintenance budget.

1998 was an unusual year for both revenues and expenditures because of the prolonged hot, dry weather. 790 paving cuts were initiated in 1998. 590 paving cut releases have been initiated so far in 1999. While this is less than in 1998, the types of breaks we have suffered have been severe and on larger lines, which in turn means more pavement to replace.

The original budget for pavement cuts was \$559,722; however, the projected year-end expenditure will be \$793,212. Total Water Distribution Paving cost repairs are projected to be \$240,490 higher by the end of the year than was anticipated when the budget was developed. Staff analysis shows a reallocation of \$255,000 from commodities to contractals will provide sufficient budget authority to meet this need.

City Council approval is required for budget transfers of \$10,000 or more.

Motion --

-- carried

Knight moved that \$255,000 be transferred from the commodities accounts to contractual accounts in water distribution operations. Motion carried 6 to 0. (Rogers absent)

BUDGET ADJ.

BUDGET ADJUSTMENT: WOOD DEBRIS DISPOSAL – PARK AND RECREATION DEPARTMENT.

Agenda Report No. 99-1243.

Effecting the safe, timely, and cost-effective disposal of excessively large tree stumps and logs has always presented challenges to the City. Through various informal agreements with private landowners willing to take this wood waste, the City has been able to dispose of much of it at little or no cost over the past few years.

Opportunities for disposing of tree stumps and logs at no cost on private land have evaporated. Consequently, the City has been forced to transact with commercial providers for the elimination of this waste.

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In practical terms, there exist two viable options for the disposal of large tree stumps and logs. One option is to dispose of the wood at Brooks Landfill. The other option is to haul the wood to a wood recycling center.

Disposal of stumps and logs at Brooks Landfill results in a \$26 per ton charge. In addition, a special handling fee of \$19.80 per ton is tacked on due to the size of the waste. The resulting total cost is \$45.80 per ton.

Disposal of wood waste at a wood recycling center can be accomplished for approximately \$18.00 per ton.

Due to the high volume of large tree debris generated in 1999 by numerous storms, it is now necessary for the City to dispose of much of this waste commercially. Additionally, a significant amount of debris have accrued as the result of flood cleanup efforts along the Cowskin Creek in west Wichita. Current and projected 1999 costs for disposal of this wood waste at a local wood recycling center are estimated at approximately \$35,000.

The cost of commercial disposal of City-generated large wood waste is estimated at \$35,000. Under-expenditures in the Park and Recreation Department operating budget are available to fund these costs.

Budget transfers in excess of \$10,000 require City Council approval.

Motion -- carried

Knight moved that the budget adjustments and transfer of funds be approved. Motion carried 6 to 0. (Rogers absent)

(Item No. 35)

ART MUSEUM

REQUEST FOR YEAR-END FUNDING - WICHITA ART MUSEUM.

Motion -- carried

Knight moved that this Item be deferred one week. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES

DESIGN SERVICES - HOOVER/K-42. (District V)

Agenda Report No. 99-1245.

Cessna (at K-42 and Hoover) is planning to expand its operation which will increase the number of buildings, parking lots, and employees. The area in which they are planning to expand is accessed from Hoover Road, which is a temporary two-lane asphalt mat roadway. The roadway is insufficient to manage the large volumes of traffic that will be generated from the Cessna complex. In addition, the area downstream from Cessna has had a history of flooding and abuts the Wichita/Valley Center Floodway. Storm water management systems need to be constructed to better manage the flooding and also allow permanent street construction.

To provide Cessna and other businesses in the area of K-42 and Hoover, improved access and reduce the flooding on Hoover Road north of K-42, it is necessary to design the storm water infrastructure and paving to accommodate traffic demands. A drainage study and street design is needed to determine the scope of work involved and establish an estimate for the construction. Professional Engineering Consultants (PEC) have worked with Cessna and the Airport Authority on site development and have the background that will facilitate the design study effort. It is proposed the City hire PEC to undertake the design efforts.

The costs associated with doing a drainage study is \$45,000 and the costs associated with designing paving on Hoover from 31st Street South to 1,000' north of the Cessna entrance is \$145,000. The total of costs of \$190,000 can be funded from the Engineering Division Operating Budget.

Motion --
-- carried

Knight moved that the expenditures be authorized; the budget transfer and Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

ART REVIEW BOARD

ART AND DESIGN REVIEW BOARD PROPOSED ACCEPTANCE OF DONATION OF SOCCER PLAYER SCULPTURE FOR NORTHEAST SPORTS COMPLEX. (District II)

Agenda Report No. 99-1246.

On November 11, 1999 the Art and Design Review Board voted to approve the donation of a large bronze sculpture by Barry Downing to be placed at the entry of the NE Sports Complex. The vote was unanimous with Kenneth Bengtson abstaining.

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The sculpture is a large bronze with three soccer players that will act as a gate or portal into the facility. MKEC is designing a base for the piece with seating that will discourage people from climbing on the sculpture. Barry Downing donated the artwork, created by Colorado artist Susan Raymond. This piece is site specific and will be a unique addition to the Wichita public art collection. It is the goal of the Board to encourage the acquisition of public art and support for artists by involving public/private partnerships.

Mr. Downing has paid for the casting of the sculpture in bronze and will finance the installation and construction of a base.

Motion -- carried

Knight moved that the donation be accepted; and the site and installation be approved. Motion carried 6 to 0. (Rogers absent)

CDBG FUNDS

REQUEST FOR CDBG FUNDS – ENVIRONMENTAL INSPECTORS.

Agenda Report No. 99-1247.

Due to loss of State grant funding, the Health Department requests CDBG funds for two Environmental Health Inspector positions. The request is to provide salaries and fringe benefits for two Public Health Sanitarian I positions. One of the positions was formerly funded from a state health grant, which is no longer available for this use, and, due to a substantial increase in environmental code violations, another position will be added. The Public Health Sanitarians will enforce City codes relating to environmental health standards in the Neighborhood Revitalization Areas (NRA).

The Health Department is requesting Community Development Block Grant (CDBG) funds in the amount of \$88,760 to fund the positions.

The additional \$88,760 is available from 1998/99 unexpended CDBG funds.

A thirty-day public comment period is required to add a new activity to the Consolidated Plan. Comments were solicited starting October 30, 1999. No public comments were received.

Motion -- carried

Knight moved that the funding be approved. Motion carried 6 to 0. (Rogers absent)

WEATHERIZATION

GRANT INCREASES IN WEATHERIZATION FUNDING – HUMAN SERVICES DEPARTMENT.

Agenda Report No. 99-1248.

The Kansas Department of Commerce & Housing (KDC&H) had previously allocated funding for the Weatherization Assistance Program in Sedgwick County for this fiscal year. The amounts of the existing funding are \$156,617 from Low Income Energy Assistance Program funds (LIEAP) and \$160,320 from Department of Energy funds (DOE). The KDOC&H has advised the Human Services Department of the availability of \$176,094. This includes \$176,094 in LIEAP funding and \$16,601 in DOE additional funding in the 1999/2000 fiscal year. This will increase the number of homes to be weatherized from 140 to 218.

To qualify, a household must have an income of less than 125% of the poverty guideline and each home can be weatherized only once after Sept. 30, 1985. To date the City Weatherization Program has weatherized 7,820 homes in Sedgwick County.

This will increase the number of homes, which could be weatherized within Sedgwick County during this fiscal year.

HOMES	LIEAP	DOE	both
Original goal	70	68	140
Addition	+72	+8	+78
New goal	142	74	218

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The original grant amounts, the increases, the totals for each grant and for the totals are listed below. Acceptance of these funds will not require a match or affect any local funding.

	LIEAP	DOE	both
Original	\$160,320	\$156,617	\$316,937
Increase	\$176,094	\$ 16,601	\$192,695
Total	\$336,414	\$173,218	\$509,632

Motion -- carried

Knight moved that the grant increases be accepted. Motion carried 6 to 0. (Rogers absent)

BROWNFIELD GRANT **BROWNFIELD GRANT.**

Agenda Report No. 99-1249.

Brownfields are parcels of urban land that are under utilized or undeveloped due to the presence, or suspicion of, environmental contamination and liability associated with its ownership or use. The EPA has awarded the Health Department a \$200,000 grant to provide low interest loans to eligible applicants for the purpose of performing environmental site assessments on Brownfield properties to determine the presence or absence of environmental contamination. This grant will be a positive incentive for property redevelopment as the presence and/or extent of environmental contamination will become known. In the beginning, the grant will focus on properties outside and adjacent to the Gilbert and Mosley and North Industrial Corridor (NIC) ground water contamination sites. (The grant may not be used within the Gilbert and Mosley or NIC at this time.)

Developers, businesses, and other buyers may face unknown environmental liability when purchasing, expanding or developing property. As part of the property acquisition they may be required to provide lending institutions with evidence of the environmental conditions associated with the property. Traditionally it has been difficult to buy or sell properties because the parties involved are not willing to pay for environmental assessments.

EPA recognizes that unknown environmental conditions can be a barrier to redevelopment, and as a result, has developed a low interest revolving loan fund for such assessments. The City has been notified that it is eligible to receive a grant of \$200,000 for the implementation of the low interest Brownfields revolving loan program. Grant funds will provide financing for environmental assessments.

The Health Department will administer the grant in a manner similar to other revolving loan funds the City of Wichita currently operates. Applicants must qualify for the program by demonstrating proper credit worthiness. They will also be required to submit a work plan for the environmental assessment to Health Department staff for review and approval.

Staff will work with a local financial institution for management of the revolving loan program (assessment of credit worthiness of loan applicants and disbursement of payments to consultants who perform environmental assessments.)

Successful implementation of the revolving loan program could enable the City to be eligible for a future grant in the amount of \$500,000. Grant funds would be utilized for a second revolving loan program for site clean-up for those properties located in the Brownfields area.

The EPA grant of \$200,000 will provide initial funding for the program and be replenished by loan payments.

Motion -- carried

Knight moved that the application and receipt of funds be approved. Motion carried 6 to 0. (Rogers absent)

NAFTZGER PARK **NAFTZGER PARK IMPROVEMENTS.** (District VI)

Agenda Report No. 99-1250.

On January 30, 1996, the City Council approved the design and construction of improvements to Naftzger Park. On May 8, 1996, the Staff Screening and Selection Committee selected Reiss & Goodness Engineers to design the improvements.

The Capital Improvement Program provides for an additional \$150,000 in the year 2000 for additional landscape design and development of a new park entrance for the Eaton Block improvements.

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Staff negotiated a Contract Amendment with Reiss & Goodness Engineers for a not to exceed lump sum of \$14,500 to provide the additional design services.

The estimated project cost is \$240,000 through the year 2000. The project is authorized in the 2000-2009 Capital Improvement Program. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the project and Contract be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

RESOLUTION NO. R-99-

A Resolution authorizing the issuance of bonds by the City of Wichita, at large, for public improvements in Naftzger Park (472-82672) presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

TREE CYCLING

TREE CYCLE PROGRAM - VENDOR AND CONTRACT.

Agenda Report No. 99-1251.

TreeCycle is the annual Christmas Tree recycling effort. From 1991 through 1995 it was a volunteer effort that disbanded February, 1996 due to an anticipated yard waste ban. That year the City contracted with a local Vendor to run the program. Sedgwick County hired a Vendor to run the 1997 TreeCycle program, then the City again employed a Contractor to handle the 1998 program. During the 1999 budget review, Council again approved TreeCycle as a budgeted program funded from Brooks Landfill tipping fees. City Staff has received three proposals from Vendors for running the 1999 program. TreeCycle is set to run December 20, 1999, through January 22, 2000.

The specifications are written so that this is a turnkey program for the City. Cornejo & Sons, Inc. proposes to run the program for \$72,000, but offers no additional benefits for the City. Johnson's Garden Center, Inc., the business that ran TreeCycle 1998, proposes to do the program for \$21,000. They will also advertise TreeCycle during their programs on local TV and radio; place it on their Web Site; include it in their December & January Tip sheets distributed in store; and have In-store TreeCycle promotions. American Tree Specialist proposes to manage TreeCycle for \$18,000. They also offer to educate the public about TreeCycle by distributing 15,000 ¼ page flyers through local Christmas Tree Vendors.

Last year the spread between the low proposal cost presented by Hong's Landscaping and the second lowest cost presented by Johnson's Garden Center was \$2995. At the time, Mike Taylor, City Media, said that the additional money in Johnson's proposal for advertising TreeCycle through Johnson's market outlets was a bargain. This year the spread between low proposal cost (provided by American Tree Specialist) and the second lowest cost (provided by Johnson's) is \$3000. By selecting Johnson's Garden Center, Inc. as the 1999 TreeCycle Vendor, the City gets an experienced Vendor, plus additional program publicity above that provided by City.

The Governmental Relations Director is making arrangements to have a public education campaign, which will give site locations and dates of TreeCycle.

This program is calculated to not exceed \$33,000, with budgeted funds (of \$50,000) coming from landfill tipping fees. This budget is based on these program elements:

1. SITES AND GRINDING. Johnson's Garden Center will manage the seven tree drop-off sites and run a promotional campaign (a \$4650 value for the City) for a cost of \$21,000.
2. PROMOTION. Radio and newspaper advertisements will be used to encourage the public to recycle their trees at an estimated cost of \$12,000 (from City Environmental Education Budget).

Motion --
-- carried

Knight moved that the vendor and Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

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CON-BET

PURCHASE OPTION – CON-BET. (District V)

Agenda Report No. 99-1252.

On September 24, 1979, City Council approved issuance of \$750,000 in Industrial Revenue Bonds for Con-Bet. The Bonds were issued to expand the North Town Square Apartments at Waco and 21st Street. Con-Bet has decided to exercise its purchase option on the IRB-financed property.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for Series XCVI, 1979 Bonds, Con-Bet, the Tenant, has the option to purchase the facility from the City of Wichita for \$100 once all outstanding bonds have been paid. At the same time, upon receipt of Trustee certification that the bonds have been paid and receipt of \$100 from Con-Bet, the City will deliver the instruments needed to deed the bond financed property back to Con-Bet and terminate the IRB lease. The City has received payment of the \$100 purchase option price.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution, Special Warranty Deed, Bill of Sale, Termination of Lease Agreement (each in substantially the form on the Resolution, with possible corrections in the legal description).

Motion --
-- carried

Knight moved that the Resolution be adopted and the necessary signatures be authorized, with delivery contingent upon satisfaction of all conditions for reconveyance under the lease. Motion carried 6 to 0. (Rogers absent)

(Item No. 44)
NAITCPB

NORTH AMERICAN INTERNATIONAL TRADE CORRIDOR PARTNERSHIP BOARD.

Agenda Report No. 99-1253.

The City of Wichita has participated in the Summit of Mayors since 1997. On February 19, 1999, this organization became legally incorporated as the North American International Trade Corridor Partnership, A.C. (NAITCP). It still has as its mission the establishment of a partnership of North American communities linked by an international trade corridor, through a commitment of resources and communications for sustainable economic development.

NAITCP have asked if the City of Wichita is interested in providing representation to the Board of Directors in an Alternate Board Member capacity. The term of service would be from January 1, 2000, through December 31, 2002. Board members and alternates are asked to attend quarterly meetings, participate in monthly conference calls, provide outreach within the region, provide guidance to the NAITCP organization, and assist with the annual summit meeting.

The City of Wichita has paid an annual membership fee to this organization in the amount of \$5,000. It is anticipated that such membership fees will continue in future years. However, there is no addition fee associated with board membership. The City of Wichita would be expected to fund travel to various locations for board meetings and the annual conference.

Cities with representatives who serve on the Board are required to complete necessary paperwork and sign the Articles of Incorporation.

Motion --
-- carried

Knight moved that participation in the North American International Trade Corridor Partnership be approved and the City Manager be appointed to represent the City of Wichita. Motion carried 6 to 0. (Rogers absent)

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SEWAGE TREATMENT PUMP BOWL ASSEMBLIES AT SEWAGE TREATMENT PLANT NO. TWO.

Agenda Report No. 99-1254.

The Sewage Treatment Division has requested the purchase of two bowl assemblies for repair parts as part of scheduled maintenance. The pumps for which these parts are needed were installed in the late 1950s. General rehabilitation and repair of these pumps is necessary to facilitate continued operations of the sewage treatment facilities.

Repair parts must be compatible with the existing pumps in order for the pumps to operate. To be compatible with the existing Fairbanks and Morse pumps, parts must be purchased from an authorized Fairbanks and Morse representative. The Fairbanks and Morse manufacturers representative is Pentair Pump Group, Inc., located in Kansas City, Kansas.

The cost of the bowl assemblies is \$44,776. The Sewage Treatment Division currently has funds available in the Capital Improvement Program 4000 accounts, FY99 budget, for pump repair and replacement.

Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources without advertising for bids. All purchases over \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the purchase be approved under the provisions of Purchasing Ordinance No. 35-856, Section 2(b). Motion carried 6 to 0. (Rogers absent) Motion carried 6 to 0. (Rogers absent)

PROPERTY ACQ. ACQUISITION OF BUFFER SITE FOR SEWAGE TREATMENT PLANT NO. TWO. (District III)

Agenda Report No. 99-1255.

Wichita Water and Sewer Department requested Property Management consider the acquisition of properties as mandated by KDHE, USEPA, and the EPA's ST-106 (Sludge Management Plan) to continue to meet plans as identified in the adopted 1993 Sewer Master Plan. The plan requires additional land for buffer sites and sludge-drying beds for Sewage Treatment Plant #2 located at 5800 South Hydraulic. The proposed site is located approximately 700 feet to the northwest of the sewage treatment facility. It contains approximately 8.74 acres, (380,794.9 sq. ft.), zoned for commercial/industrial uses and is currently unimproved platted land.

The City of Wichita Water and Sewer Department needs additional land for possible future expansion of the sewage treatment facility and as a buffer to decrease available vacant land that can be developed for residential or commercial use within the immediate area of Sewage Treatment Plant #2. The subject tract has been identified as one that meets these needs. The property appraised at \$14,300 per acre and current market activity supports this amount. The owner has agreed to sell for a negotiated price of \$110,000.00 (\$12,585 per acre).

The budget of \$116,000 includes \$110,000 for acquisition and \$5,000 for appraisal fees, closing costs and title work. Funds have been budgeted in the 1999-2000 CIP #S-511 under Sewage Treatment Plant #2 Land Buffer. The project will be funded by the sewer utility.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

STORM WATER RATE AMENDED STORM WATER RATE RESOLUTION.

Agenda Report No. 99-1256.

On February 23, 1993, City Council approved Resolution No. R-93-046 establishing the Storm Water Utility rate at \$1.66/ERU.

On July 11, 1995, the City Council approved specific reductions in the Storm Water Utility fee from \$1.66/ERU to \$1.21 per ERU. On November 21, 1995, the City Council approved Resolution No. R-95-534 implementing the fee reduction.

On August 10, 1999, the City Council approved an ERU rate increase of \$0.06 which will be required to sustain the "hot spot" drainage program in the year 2000 budget.

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The increase of \$0.06 in the Storm Water Utility ERU rate is required to sustain the “hot spot” drainage program in the year 2000 budget. This fee increase will result in an estimated \$190,000 in revenue to the Utility in 2000. Without this increase, the “hot spot” drainage program will have to be reduced from \$400,000 to \$210,000 annually.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent)

RESOLUTION NO. R-99-468

A Resolution amending Section 2 of Resolution No. R-95-534 pertaining to the ERU rate for the Stormwater Utility and repealing the original of said section, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

PARKS GRANT

RESOLUTION: K-96 LAKE PARK AND DEVELOPMENT PLANNING FOR CHAPIN LANDFILL PARK, BROOKS-KINGSBURY LANDFILL PARK, AND GARVEY-YMCA PARK (Districts I, III, and VI)

Agenda Report No. 99-1257.

On September 21, 1999, the City Council approved a grant application for K-96 Lake Park located near the K-96/I-35 Interchange in northeast Wichita. The grant is administered by the Kansas Department of Wildlife and Parks (KDWP) as part of its Community Lake Assistance Program. An Authorizing Resolution has been prepared to provide the City's matching funds. The Resolution also contains funding to prepare development plans for the Brooks-Kingsbury and Chapin Landfill sites, and for the recently acquired Garvey-YMCA site.

The K-96 Lake work consists of an entry drive and parking lot. KDWP fisheries will stock the lake on an ongoing basis.

The estimated project cost is \$130,000, with \$80,000 paid by the State, \$25,000 by Park Department operating funds, and \$25,000 by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Resolution be adopted and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Rogers absent)

RESOLUTION NO. R-99-469

A Resolution authorizing the issuance of bonds by the City at large for public improvements in K-96 Lake Park, Chapin Landfill Park, Brooks-Kingsbury Landfill Park, and Garvey (YMCA) Park (472-82972) presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 23, 1999)

- a. Supplemental lease and trust indenture – Ritchie Companies. (District V)

ORDINANCE NO. 44-432

An Ordinance prescribing the form and authorizing execution of a first supplemental trust indenture by and between the City and UMB Bank, N.A., Kansas City, Missouri, as trustee with respect to the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series VIII, 1999 (MTG, L.L.C.) and prescribing the form and authorizing the execution of a first supplemental lease by and between MTG, L.L.C. and the City, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

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- b. Z-3337 - south of Maple and east of Meridian. (District IV)

ORDINANCE NO. 44-434

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight. Z-3337

- c. Eaton Place - Lender Support Ordinance.

ORDINANCE NO. 44-435

An Ordinance of the City of Wichita, Kansas, repealing Ordinance No. 44-367, prescribing the form and authorizing the execution of a lender support agreement by and among MDI Limited Partnership #72, the City of Wichita, Kansas, and Bank of America N.A., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

- d. Wichita Airport Board Membership.

ORDINANCE NO. 44-436

An Ordinance of the City of Wichita pertaining to the membership of the Wichita Airport Advisory Board; amending Section 2.12.1054, as created by Section 5 of Ordinance No. 44-314 of the City of Wichita, and repealing the original of said section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 51 and 52, could be considered as consensus Items unless the Council desired to withhold other items.

Motion-- Knight moved that Planning Agenda Items 51 and 52 be approved as consensus Items.
-- carried Motion carried 6 to 0. (Rogers absent)

V-1474

V-1474 - PUBLIC HEARING - REQUEST TO VACATE ALLEY RIGHT-OF-WAY LOCATED ON THE WEST SIDE OF HILLSIDE BETWEEN ELM AND MURDOCK AVENUE. (District I)

Agenda Report No. 99-1258.

Staff Recommendation: Approve vacation of alley.
MAPC Recommendation: Approve vacation of alley. (7-23-87)

This vacation request was initiated in June of 1987 as part of a larger project for Wesley Medical Center that involved a zone change and a Board of Zoning Appeals application for HCA/Health Services of Kansas, Inc. at the southwest corner of Murdock Avenue and Hillside. The BZA and zoning cases both passed and this property was developed. Both the Subdivision Committee and the Planning Commission approved the vacation of the alley right-of-way. One of the conditions attached to the approval of the vacation was that the applicant make satisfactory arrangements with KGE and Southwestern Bell for relocation of these companies' facilities and that letters from each utility be forwarded to the Planning Department for the vacation case file. This condition was never officially met and the vacation request was never heard by City Council, despite the issuance of building permits and development of the site.

The applicant has now returned to officially finalize this vacation, in part to "clean up" the title on the property. Staff has received letters from Southwestern Bell and KGE stating that satisfactory arrangements were made with these utility companies and the alley right-of-way is no longer needed for equipment.

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This item is before the Mayor and Council as a public hearing item; in 1987 the vacation process included a public hearing at the City Council level instead of the Planning Commission level, as is the current policy. Therefore, there has not been a public hearing on this application.

The vacation was published as required by law.

Marvin Krout

Director of Planning reviewed the Item.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the vacation order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 51)

DR 99-8

DR 99-8 - STREET NAME CHANGE FROM TAMI LANE TO FERN STREET ADJACENT TO LOTS 3 AND 4, BLOCK 1, PARKERSVILLE ADDITION EXTENDING FROM MACARTHUR ROAD TO CAREY LANE. (District IV)

Agenda Report No. 99-1259.

Staff Recommendation: Approve street name change.

MAPC Recommendation: Approve street name change. (Unanimous)

Upon a request from the resident abutting Tami Lane to the west, the Sedgwick County/Wichita Address Committee voted that Tami Lane should be renamed due to its alignment with Fern Street to the north. The Address Committee is chaired by the City Fire Department and composed of staff from various departments which are involved in the naming of streets and addressing of properties, and which provide or support emergency services that depend on easy-to-find streets and addresses. The property owners abutting the east and west side of Tami Lane prefer Fern as the new street name. The Applicant requesting the street name change will be responsible for costs associated with the change of the street sign. This street name change has been reviewed, and the name Fern Street was recommended by the Planning Commission.

Motion --
-- carried

Knight moved that the street name change be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

ORDINANCE NO. 44-3

An Ordinance changing Tami Lane be renamed to Fern as platted adjacent to Lots 3 and 4, Block 1, Parkersville Addition, introduced and under the rules laid over.

(Item No. 52)

COUNTY BENEFIT DIST. RESOLUTION FOR THE CREATION OF A COUNTY BENEFIT DISTRICT FOR SANITARY SEWER IMPROVEMENTS TO SERVE WINDSOR PARK ADDITION LOCATED AT THE SOUTHEAST CORNER OF LINCOLN AND GREENWICH ROAD. (District II)

Agenda Report No. 99-1260.

Staff Recommendation: Approve the resolution.

MAPC Recommendation: Approve the resolution.

Windsor Park Addition was approved by City Council on October 25, 1955 and annexed by the City on October 23, 1998. The site will use the Four Mile Creek Sewer System and a sewer petition is being handled by the County.

The Resolution will acknowledge the consent of the City for the creation of a County Benefit District for the sewer improvements.

Motion – carried

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent)

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RESOLUTION NO. R-99-470

A Resolution of consent of governing body of the City of Wichita for creation of a benefit district within the limits of the City of Wichita for sanitary sewer improvements to serve a portion of Windsor Park Addition to Sedgwick County, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Knight.

DP-195

DP-195 - AMENDMENT TO CREATE PARCEL 11 ON THE COMOTARA POWER CENTER COMMERCIAL COMMUNITY UNIT PLAN, TO ADD 200 ADDITIONAL SQUARE FOOTAGE OF SIGNAGE, AND TO REDUCE THE BUILDING SETBACK ON PARCEL 11, GENERALLY LOCATED AT THE NORTHWEST CORNER OF K-96 AND NORTH ROCK ROAD. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-1261.

MAPC Recommendation: Approve, subject to conditions (11-0-1).
Staff Recommendation: Deny.
CPO Recommendation: Approve, subject to conditions (4-1).

The applicant proposes to amend DP-195 Comotara Power Center in order to create an additional parcel, Parcel 11, zoned "LC" Limited Commercial, from a part of existing Parcel 2. The other proposed change is to add 200 additional square feet of sign area to the C.U.P, and to reduce the building setback from 50 feet to 35 feet.

Parcel 11 would be located south of the Sam's Club building on the western portion of the C.U.P. The new parcel would abut the K-96 Expressway ramp. Maximum gross floor area in Parcel 11 would be 17,000 square feet. This square footage would be gained by reducing the permitted square footage on two existing parcels. Parcel 2 would be reduced by 9,000 square feet, and Parcel 10 would be reduced by 8,000 square feet, for no change in overall maximum gross floor area allowed in the C.U.P. The permitted uses would be the same as for Parcel 10. These uses are shopping center uses such as: grocery stores; furniture stores; department stores; restaurants; all retail uses; offices; medical and dental clinics; financial institutions; tire, battery and accessory stores; service station with accessory use single lane enclosed, automatic car wash permitted with BZA approval; convenience stores; automobile repair shops (no body shops permitted).

The applicant proposes that a maximum of three buildings be permitted on Parcel 11, with a proposed building height of 35 feet. The parcel is a long, narrow lot that is widest on the eastern end and averaging 150 feet in total width. The established setback for the commercial building at the corner of Rock Road and K-96 is 50 feet, as currently specified in the C.U.P. The applicant has requested that the setback be reduced to 35 feet. However, the plat for the area identifies a 50-foot pipeline easement along the south property line, abutting a 20-foot utility easement. This would reduce the setback to 15 feet inside the pipeline easement and place the building area totally over the 20-foot utility easement. Apparently the pipeline is located in the southern portion of the 50-foot easement and a sewer line is in either the pipeline easement or the southern portion of the 20-foot utility easement.

The applicant has also requested a maximum of two signs, with a total of 200 square feet, be permitted along K-96. The Comotara Power Center was originally permitted signage based on Rock Road frontage. The amount allowed was clarified as 1,480 square feet of signage based on 80 percent of the 1,839 feet of linear frontage along Rock Road (Condition #1 of DP-195 Amendment #2). As shown on the attached survey submitted by the applicant in conjunction with Amendment #6, the C.U.P. already has been approved for 1,655 square feet of signage by previous amendments and/or variances, which is 112 percent of the amount originally permitted by the C.U.P Amendment #2. The addition of 200 more square feet of signage would increase the permitted signage to 125 percent of this amount.

Signage is permitted within C.U.P.s in accordance with the General Provisions of the C.U.P.s.. Comotara Power Center C.U.P. originally had no frontage on K-96 because the southern edge of the C.U.P. was located approximately 400 feet north of K-96. Signage was allowed as permitted in the Sign Code, which would have allowed 0.8 square feet times the linear frontage on Rock Road for ground or pole signs. The C.U.P. was expanded (Amendment #1) to include property to K-96. Amendment #2 clarified that signage was limited to 0.8 times linear frontage along Rock Road, specified as 1,480 square feet. This defined signage as based on Rock Road frontage only; absent this language, frontage could have been calculated based on K-96 frontage also. Subsequent amendments and variances have expanded the allowed square footage to 1,655 square feet, but have been based on expanding signage along Rock Road frontage and not K-96.

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The site proposed for Parcel 11 is bordered by existing commercial properties on the north and east, including Sam's, Party City, several restaurants (Arby's, Spangles, IHOP, McDonalds, Fazoli's, and Braums), OfficeMax, Linen's N Things, Kohl's, Petsmart, CompUSA and several other retail users. An office complex is further to the east across Rock Road. The property to the west is vacant, but zoned for multi-family use.

At the CPO(2) meeting held October 25, 1999, CPO separated its action into three separate motions. The first motion, to amend the C.U.P for creation of Parcel 11, was approved (4-1). The second motion, to allow a decrease in the required setback from 50 feet to 35 feet along the southern property line failed (1-4). The third motion, to allow an additional 200 square feet of signage along K-96 frontage, in the form of two (2) pole signs, for a maximum of 100 square feet each, failed (1-4). The agent for the applicant, Tim Austin, spoke and stated the applicant is agreeable to increase the landscape buffer to 1-½ times the standard buffer. CPO members discussed congestion along Rock Road, signage, and the issue of the reducing the building setback in the area where there is a pipeline easement in place. There were no citizens present to address the issue.

At the MAPC meeting held October 28, 1999, MAPC voted (11-1) to approve the amendment, subject to staff recommendations, and subject to signage being limited to building signs as per the Sign Code, with no pole or ground signs permitted, and subject to the landscape "buffer" planting of evergreens and shrubs being provided at 1-½ times the requirements of the Landscape Ordinance along the onramp to K-96. There was discussion about the number of existing signs on K-96 and the 50-foot building setback along the southern property line. The 50-foot distance is primarily established by an existing pipeline easement. There were no citizens present to speak.

The agent for the applicant, Austin Miller, P.A., has appealed the MAPC decision with respect to both the signage (no pole or ground signs allowed) and the building setback. The letter of appeal, dated November 9, 1999, is attached. The agent has indicated that the signage requested (200 square feet) is significantly less than would normally be allowed under the Sign Code, 25 percent of 800 square feet that would be allowed if K-96 frontage were to be used to calculate signage allowed. Regarding the issue of reducing the building setback, the applicant requests it be reduced from 50 feet to 35 feet, but acknowledges that the pipeline easement will act as a setback, and at present, there is no assurance the pipeline company will reduce the easement width.

Motion --

Pisciotta moved that having heard the hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be overridden to allow two 100 square feet each signs, subject to the recommended conditions. Motion carried 6 to 0. (Rogers absent)

-- carried

ADJOURNMENT

The City Council meeting adjourned at 11:20 a.m.

Pat Burnett CMC
City Clerk